

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

JOSE M. FELICIANO,	)	No. 12-cv-10232
	)	
Plaintiff,	)	
	)	
v.	)	The Honorable Manish S. Shah
	)	
TOM DART, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**PLAINTIFF'S MOTION FOR LEAVE TO WITHDRAW COUNSEL AND FOR  
EXTENSION OF TIME TO FILE SECOND AMENDED COMPLAINT**

Plaintiff, Jose M. Feliciano, pursuant to Federal Rule 6(b)(1) and Local Rule 83.17, respectfully requests leave to withdraw appearance of Karen V. Newbury and for entry of an order extending the time in which Plaintiff shall file his First Amended Complaint until May 4, 2015. In support of this Motion, Plaintiff states the following:

1. This case was filed *pro se* by Jose M. Feliciano on December 21, 2012 before the Honorable Judge John W. Darrah. Mr. Feliciano is presently an inmate at Hill Correctional Center, a state prison in Galesburg, Illinois.
2. The original Complaint filed by Mr. Feliciano sought relief for violations of his rights under the Civil Rights Act, Title 42 § 1983.
3. On October 1, 2013, Mr. Feliciano filed *pro se* his Amended Complaint. *See* Doc. # 36.
4. On June 16, 2014, the Honorable Judge Darrah appointed Karen Newbury of the law firm Schiff Hardin, LLP to represent the Plaintiff. *See* Doc. # 72.
5. On June 30, 2014, this case was subsequently reassigned before this Court.

6. On August 18, 2014, the parties filed a Joint Status Report with this Court. *See* Doc. # 78. The Report indicates that while many defendants have been named in the complaint, only a few have been served and none have appeared other than Defendant Tom Dart, by way of Assistant Cook County States Attorney Mary Anne Spillane. *Id.* As the Report reflects, Defendant Tom Dart remains in this case as a nominal defendant to allow Plaintiff to identify any remaining potentially liable parties. *Id.*

7. Following the submission of the Joint Status Report on August 18, the parties appeared before the Court on October 27, 2014 for subsequent status. At that time, the parties advised the Court that counsel for Defendant Dart would be furnishing Plaintiff's counsel with all of Plaintiff's medical records that she could obtain, as well any incident reports so that Plaintiff's counsel could fashion a Second Amended Complaint. Counsel for Defendant Dart has since furnished over 800 pages of documents to Plaintiff's counsel.

8. A status hearing was subsequently held on January 5, 2015 as to the status of filing an amended complaint. At that hearing, the Court ordered that Plaintiff file the amended complaint by February 16, 2015.

9. Immediately following the January 5, 2015 status hearing, Plaintiff's counsel, Karen Newbury ("Newbury"), learned that she will be departing the law firm of Schiff Hardin, LLP ("Schiff Hardin") at the end of January 2015 and will be unable to continue her representation of Plaintiff.

10. By the time this Motion is heard, Newbury will have asked Plaintiff for his permission to withdraw and for his agreement to accept substitute counsel.

11. Amy Rubenstein of Schiff Hardin has agreed to represent Plaintiff and act as lead trial counsel in this action along with her colleague Gary M. Klinger.

12. Ms. Rubenstein is a member of the trial bar, has tried cases in this District, and is prepared to represent Plaintiff in this action.

13. In addition, Plaintiff seeks an extension of time to file his Second Amended Complaint until May 4, 2015.

14. Plaintiff requests this extension so that his counsel may have an opportunity to review the approximately 800 pages of records produced by Defendant Tom Dart and investigate the claims and evaluate all potentially liable parties.

15. This motion is not being brought for the purpose of undue delay, but is made so that the interest of justice may be served. No party will be prejudiced by the granting of this Motion.

WHEREFORE, Plaintiff, JOSE FELICIANO, respectfully requests that the Court enter an order (1) granting leave for Karen Newbury to withdraw as counsel for Plaintiff; and (2) extending the time in which Plaintiff shall file his Second Amended Complaint until May 4, 2015.

Dated: January 26, 2015

Respectfully submitted:

COUNSEL FOR THE PLAINTIFF

/s/ Karen V. Newbury

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**CERTIFICATE OF SERVICE**

I, Karen V. Newbury, an attorney, hereby certify that on January 26, 2015, I electronically filed a copy of the foregoing **Plaintiff's Motion for Leave to Withdraw Counsel and For Extension of Time to File Second Amended Complaint and Notice of Motion** with the Clerk of the Court using the ECF System, which will send notification of such filing to those attorneys registered to receive notices.

By: /s/ Karen V. Newbury  
Karen V. Newbury